IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 601 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NEW INDIA ASSURANCE CO.LTD. - Appellant(s)
Versus
PREMILABEN HARMANBHAI SOLANKI & 6 - Defendant(s)

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Appearance :
MS LILU K BHAYA for Appellant(s) : 1,
MR NILESH A PANDYA for Defendant(s) : 1 - 5.
None for Defendant(s) : 6 - 7.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 03/09/2007

ORAL JUDGMENT

1. Ms. Lilu K. Bhaya, learned counsel for the appellant; Shri Nilesh A. Pandya, learned counsel for the respondents no. 1 to 5; none for

th respondents no. 6 and 7 though served.

2. Sole appellant-Insurance Company, being aggrieved by the award dated 28.12.90 passed by the Motor Accident Claims Tribunal [Aux] Vadodara, in M.A.C. Petition No. 684/87, is before this Court, with a submission that the Tribunal erred in holding that the vehicle in dispute was involved in the accident and further erred in awarding a sum in excess of the entitlement of the claimants.

3. Unfortunately, both of the arguments raised in support of the appellant would not be available to the Insurance Company as these are not defences available to the Insurance Company under Section 96[2] of the Motor Vehicles Act, 1939.

4. The appeal is dismissed. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-